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Attorneys for Defendant

SAFEWAY INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DIMOSTHENI PAPAKIPIS,

Plaintiff,

vs.

SAFEWAY, INC. dba SAFEWAY;
JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE
LIMITED LIABILITY COMPANIES
1-10; DOE BUSINESS ENTITIES 1-
10; DOE GOVERNMENTAL
ENTITIES 1-10; and DOE
UNINCORPORATED
ASSOCIATIONS 1-10,

Defendants.

CIVIL NO.

(Other Non-Vehicle Tort)

**NOTICE OF REMOVAL;
EXHIBITS "A"- "B";
CERTIFICATE OF SERVICE**

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant SAFEWAY INC. (“SAFEWAY”) files this Notice of Removal in the case now pending in the Circuit Court of the Second Circuit, State of Hawaii, styled Dimostheni Papakipis vs. Safeway, Inc., et al., Case No. 2CCV-20-0000225. As grounds for removal, SAFEWAY states as follows:

1. On August 24, 2020, Plaintiff DIMOSTHENI PAPAkipis (“PLAINTIFF”) filed a complaint in Case No. 2CCV-20-0000225 in the Circuit Court of the Second Circuit, State of Hawaii, against SAFEWAY.

2. Upon information and belief, SAFEWAY states no other party has been named in the action.

3. SAFEWAY was served with the complaint on August 26, 2020.

4. PLAINTIFF alleges in his complaint that SAFEWAY is liable to him for damages in connection with a February 21, 2020 accident that occurred on SAFEWAY’s premises.

5. PLAINTIFF’s counsel has confirmed that PLAINTIFF is a citizen of the State of Hawaii.

6. SAFEWAY is a citizen of the State of Delaware (place of

incorporation) and the State of California (principal place of business).

7. PLAINTIFF alleges in his complaint that as a result of the February 21, 2020 accident, he suffered physical injuries and damages.

8. PLAINTIFF prays in his complaint for an award of general damages, special damages, and punitive damages against SAFEWAY. However, because Hawaii law prohibits *ad damnum* clauses in complaints, PLAINTIFF does not specify the amount of damages that he prays for.

9. PLAINTIFF's counsel has confirmed that PLAINTIFF's claimed damages exceed the sum or value of \$75,000.00.

10. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

11. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the Second Circuit, State of Hawaii, is attached hereto as Exhibit "A", and comprises all process, pleadings, and orders served upon SAFEWAY in the action.

12. A true and correct copy of SAFEWAY's answer to PLAINTIFF's complaint filed in the Circuit Court of the Second Circuit, State of Hawaii, is attached hereto as Exhibit "B".

WHEREFORE, Defendant SAFEWAY INC. prays that the above-

entitled action be removed from the Circuit Court of the Second Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, September 16, 2020.

/s/ Normand R. Lezy

NORMAND R. LEZY

MICHAEL J. NAKANO

SHAWN L. M. BENTON

Attorneys for Defendant

SAFEWAY INC.